

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

PHILIP E. E.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

No. 6:20-CV-1228
(CFH)

Defendant.

APPEARANCES:

Collins & Hasseler, PLLC
225 State Street
Carthage, New York 13619
Attorney for plaintiff

Social Security Administration
J.F.K. Federal Building,
15 New Sudbury Street, Rm. 625
Boston, Massachusetts 02203
Attorney for defendant

OF COUNSEL:

VICTORIA H. COLLINS, ESQ.

CHRISTOPHER LEWIS POTTER, ESQ.

**CHRISTIAN F. HUMMEL
U.S. MAGISTRATE JUDGE**

ORDER¹

Currently pending before the Court in this action, in which plaintiff seeks judicial review of an adverse administrative determination by the Commissioner of Social Security, pursuant to 42 U.S.C. § 405(g), are cross-motions for judgment on the pleadings.² Oral argument was conducted on these motions on the record on March

¹ Parties consented to direct review of this matter by a Magistrate Judge pursuant to 28 U.S.C. § 636(c), FED. R. CIV. P. 73, N.D.N.Y. Local Rule 72.2(b), and General Order 18. See Dkt. No. 4.

² This matter, which is before me on consent of the parties, pursuant to 28 U.S.C. § 636(c), has been treated in accordance with the procedures set forth in General Order No. 18. Under that General Order,

14, 2022. At the close of argument, I issued a bench decision in which, after applying the proper deferential standard of review, I found that the Commissioner's determination resulted from the application of proper legal principles and was supported by substantial evidence. I also provided specific detail regarding my reasoning and addressed the issues raised by plaintiff on appeal.

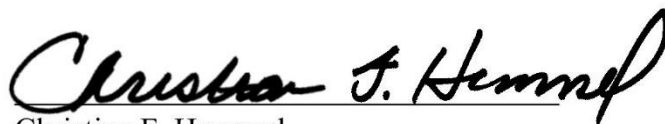
After due deliberation, and based on the Court's oral bench decision, the transcript of which is attached to this Order and is incorporated herein by reference (Dkt. No. 17), it is hereby

ORDERED that:

1. Defendant's motion for judgment on the pleadings (Dkt. No. 13) is **GRANTED**;
2. Plaintiff's motion for judgment on the pleadings (Dkt. No. 11) is **DENIED**; and
3. The Commissioner's determination that Plaintiff was not disabled at the relevant times, and therefore, not entitled to benefits under the Social Security Act, is **AFFIRMED**.

IT IS SO ORDERED.

Dated: March 21, 2022
Albany, New York



Christian F. Hummel
U.S. Magistrate Judge

once issue has been joined, an action such as this is considered procedurally as if cross-motions for judgment on the pleadings had been filed pursuant to Rule 12(c) of the Federal Rules of Civil Procedure.